

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
April 13, 2004
Draft Minutes

Attachment # 1
Page 1 of 15

The Board of County of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Rudy Maloy followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Commissioner Rackleff introduced Ms. Glenda Hood, Secretary of State, who made a presentation on the role of the Department of State in the development of a Capitol Downtown Cultural District
- Commissioner Proctor introduced the 2003-04 Lady Rattlers of the Florida A & M Development Research High School Girls Basketball Team and their Coach, Ahmad Aliyy, recognizing the teams 1A State Basketball Championship, with an overall record of 27-5. The attached resolution was presented:
- Commissioner Grippa presented the attached resolution to Gary and Debbie Pullen, in recognition of their efforts for the "Buckle up for Dale" Seatbelt Safety Program and the Dale Pullen Scholarship Foundation for the Arts' Golf Tournament:
- Chairman Sauls presented the attached resolution to Pamela Bergsma, grandmother of Joey Bergsma, designating the month of April as "*Joey Bergsma Retinoblasma Awareness Month*." Ms. Bergsma and Chairman Sauls encouraged parents to have their children's eyes tested early.
- Chairman Sauls presented the attached resolution in honor of the retirement of Leon County Employee, Carol Stokes Wade, Library Services Coordinator for Media Services, after 13 years of dedicated Service to the County:
- Chairman Sauls presented the attached resolution to Nancy Paul, Interim Landfill Supervisor, designating April 17, 2004 as "Earth Day:"
- County Administrator Parwez Alam recognized and presented plaques to the County's Emergency Medical Services (EMS) Implementation/Transition Team. See attached list:

The Board then entered Public Hearings, Item 27.

Consent

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried 6/0 (Commissioner Thael was out of the Chambers), to approve the following consent agenda with the exemption of items 5 and 9 which were addressed as described. The Chairman announced that Item 8 was withdrawn from the agenda.

1. Approval of Minutes for the March 13, 2004 Regular Meeting

The Board approved Option 1: Approve the Minutes for March 23, 2004 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for April 13, 2004 and Pre-Approval of Bills and Vouchers for April 14 – April 26, 2004

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for April 13, 2004, and pre-approve payment of bills and vouchers for the period April 14, 2004 through April 27, 2004: \$10,115,714.30

3. Acceptance of City of Tallahassee Funding in the Amount of \$22,500 for the Adult Drug Court Program

The Board approved Option 1: Accept the funding from the City of Tallahassee's Local Law Enforcement Block Grant (LLEBG) in the amount of \$22,500 for the Adult Drug Court Programs and authorize the Chairman to execute the agreement.

4. Approval of Resolution Transferring all Guardian Ad Litem Assets, Purchased by Leon County, to the State of Florida

The Board approved Option 1: Adopt the attached resolution transferring all Guardian ad Litem purchased by Leon County to the State of Florida, Guardian ad Litem Office, effective January 1, 2004:

5. Approval to Award Bid for Planning Commission Counsel to Rose, Sundstrom & Bentley, P.A.

This item is whether to approve the RFP Selection Committee's recommendation of the law firm of Rose Sundstrom & Bentley, LLP, as Counsel to the Tallahassee-Leon County Planning Commission.

Commissioner Grippa pulled this item and inquired if the City signed off on this law firm. County Attorney Thiele responded that he did not know if the City was going to even put this item on their agenda, but would provide verification. Commissioner Grippa suggested that this item be continued and allow the City to select a counsel and then the County consider a counsel. Apparently, the County made a selection previously and the City did not concur with the selection.

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to continue this item until April 27, 2004. The motion carried unanimously, 6/0 (Commissioner Rackleff was out of Chambers).

6. Approval to Issue a Request for Proposal (RFP) for County Cellular Phone Services and Conceptual Approval of the New County Cellular Phone Policy

The Board approved Options 1 and 2: 1) Approve the issuance of an RFP for County Cellular Phone Service; 2) Conceptually approve the new County Policy on Cellular Phones: Authorization, Issuance and Use.

7. Request to Cancel the Tuesday, June 22, 2004 Board of County Commissioners Regular Meeting

The Board approved Option 1: Cancel the Board of County Commissioners' meeting scheduled for Tuesday, June 22, 2004. (The Florida Association of Counties Annual Conference will be held on Wednesday, June 23 through Friday, June 25, in 2004 in Hollywood, Florida.)

8. Approval to Allocate \$325,000, Using State Housing Initiatives Partnership (SHIP), Community Development Block Grant (CDBG), and Housing Finance Authority (HFA) Funds, to Bethel Community Development Corporation for the Provision of Replacement Housing Construction Services

This item seeks Board approval to allocate \$343,000 to Bethel Community Development Corporation to provide replacement housing construction services for very low and low income households using State Housing Initiatives Partnership (SHIP-\$185,000), Community Development Block Grant (CDBG-\$125,000) and Housing Finance Authority (HFA-\$33,000) funds. The Board approved Option 1: Approve the allocation of \$343,000 to Bethel Community Development Corporation to provide replacement housing construction services, utilizing SHIP, CDBG and HFA program funds.

9. Approval of a Quit Claim Deed from Leon County to Group Ventures, Inc.

This item requests approval to execute a Quit Claim Deed for interest in property previously granted by a conservation easement. The deed is between Leon County and Group Ventures, Inc., (aka DB Ventures) whose address is 4800 Woodlane Circle, Tallahassee, Florida 32303.

Commissioner Grippa pulled this item and stated that he thought that the County Code did not allow construction in conservation easements. This proposal provides for construction of a new Talquin water tower project.

John Kraynak, GEM, explained that this item involves a swap of conservation easement areas and the County received a net positive benefit from the swap. The natural area was met for two separate projects on the Talquin site and Group Ventures. By approving agenda Item 9 and 10, the additional acreage, the natural area for both properties would result in better environmental features being protected.

Commissioner Maloy moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Approve the Quit Claim Deed from Leon County to Group Ventures, Inc, (aka Ventures - 4800 Woodlane Circle) and authorize the Chairman to execute. (The Quit Claim deed is for interest in property previously granted by a conservation easement.)

10. Acceptance of Five (5) Conservation Easements

This is a request for approval of five conservation easements consistent with requirements and conditions of the Environmental Management Act. The Board approved Option 1: Approve and accept for recording the five conservation easements from Grantors: 1) Talquin Electric Cooperative, Inc.; 2) Westminster Presbyterian Church of Tallahassee; 3) Richard S. Kearney; 4) Persica Landscaping, Inc., and 5) Rainey Cawthon Distributors, Inc.

11. Approval of a Quit Claim Deed from Leon County for a Portion of a Conservation Easement in Golden Eagle Unit V to Jimmy Clay

This item requests approval of a Quit Claim Deed to Jimmy Clay, lot owner, for a portion of a conservation easement originally executed by the developer of Golden Eagle Unit V. The purpose of the deed is to reflect the correct floodplain on Lot 23, Block L, in Golden Eagle Unit V, as shown on a recent survey. The Board approve Option 1: Approve the Quit Claim Deed to Jimmy Clay and authorize the Chairman to execute.

12. Approval of Career Service Merit Pay

The Board approved Option 1: Approve the distribution of merit awards based on the guidelines proposed. See attached:

13. Request to Schedule a Workshop on the Investment-Grade Energy Audit of County Facilities on Tuesday, July 13, 2004 at 2:30 – 4:00 p.m.

The Board approved Option 1: Schedule a Board workshop on the Investment-Grade Energy Audit of County Facilities by Progress Energy Solutions, for Tuesday, July 13, 2004 from 2:30 p.m. to 4:00 p.m

14. Approval of Addendum to the Management and Leasing Agreement Between Leon County and Advantis Real

The Board approved Option 1: Approve the first amendment to the Management and Leasing Services agreement between Leon County and Advantis Real Estate Services and authorize the Chairman to execute.

15. Approval to Transfer a Surplus Pickup Truck to the Leon County Sheriff's Office

The Board approved Option 1: Approve the transfer of a 1991 Ford Pickup truck, County vehicle number 956, to the Leon County Sheriff's Office.

16. Approval to Renew Agreement with Bellwether Solutions LLC in the Amount of \$25,000 to Continue Experimental Test Program Using Sheep to Control Kudzu and Other Invasive Plant Species

The Board approved Option 1: Approve the renewal of the agreement with Bellwether Solutions LLC for the fifth year funding in the amount of \$25,000 to continue experimental program using sheep to control kudzu and other invasive plant species along the Miccosukee Canopy Road Greenway, J. R. Alford Greenway, and other public areas as assigned, and authorize the Chairman to execute the agreement.

17. Acceptance of Status Report on the *Access Now, Inc. v. City of Tallahassee, et al* Settlement Agreement

The Board approved Option 1: Accept the status report on the "Access Now, Inc. v. City of Tallahassee et al Settlement Agreement. The agenda request includes an update in regard to the County's compliance with the provisions of the Settlement Agreement with respect to the above referenced litigation. (On April 9, 2002 the Board accepted a proposed Settlement Agreement regarding the litigation instituted by Access Now, Inc., in the U. S. District Court Case No. 4:01-CV88-RH.)

18. Approval to Award Bid to B and S Utilities, Inc. in the Amount of \$174,444 for Construction of the Kinhega Road Box Culvert Improvements

The Board approved Option 1: Approve the award of the bid to B and S Utilities, Inc., in the amount of \$174,444 for construction of the Kinhega Road Box Culvert Improvements and authorize the budget amendment. (This project is one of the two culvert improvements recommended in the Bradfordville Study Area, Bradfordville Stormwater Study, Phase II. The construction consists of removing an existing undersized metal culvert pipe and replacing it with a larger concrete box culvert.)

19. Approval of Joint Project Agreements with the City of Tallahassee for the Relocation of Water and Sewer Lines for the Orange Avenue Widening Project Between South Monroe Street and Blair Stone Road

The Board approved Option 1: Approve the Joint Project Agreements with the City of Tallahassee for the Water Utility Relocation and the Sanitary Sewer Relocation on Orange Avenue between South Monroe Street and Blair Stone Road and authorize the Chairman to execute.

20. Authorization to Negotiate a Contract with Post, Buckley, Schuh & Jernigan for Engineering Design Services for a Municipal Sewer System and Other Improvements for Killearn Lakes Units I and II

The Board approved Option 1: Authorize staff to negotiate with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) to provide engineering design services for a municipal sewer system and other improvements for Killearn Lakes Unit 1 and 2.

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

- a. Bryan Henderson, 2802 Harwood Street, member of Apalachee Ridge Neighborhood Association, appeared and stated that as part of the Neighborhood Renaissance Partnership, a revitalization program, the issue of a new Southside Elementary School was discussed. He stated that the proposed site for the school is not suitable according to the community and only serves one small neighborhood. He stated that the association feels that the fairground site would be more suitable and would provide room for growth and a state of the art facility. Mr. Henderson provided written material.
- b. Faye Jones, 2305 Ohbah Nene, appeared and explained that an older house was moved into her neighborhood, which she considers a shack. She was concerned that the house would not be renovated to look similar to other homes in the area and maintain the integrity of the area and voiced concern that dilapidated houses could be put in incompatible neighborhoods. It was noted that this was inside the City limits and not within the County's jurisdiction. Commissioner Thaelle inquired if the County could adopt a countywide building code to address this type of issue. County Attorney Thiele opined that there was no provision to do so under the current Charter provision.

General Business

21. Update on the CRA Negotiations

The meeting to finalize the CRA (Community Redevelopment Area) agreement with City Commissioner Mark Mustian and County Commissioner Tony Grippa was conducted on Friday, April 9, 2004. The attached proposed agreement was distributed under an add-on item and

Commissioner Grippa elaborated on the conceptual agreement, noting that the City and County Attorneys would work on an interlocal agreement relative to the Downtown CRA. The following is a summarization of the proposed Downtown Equal Investment Plan as described by Commissioner Grippa:

1. It would cease litigation that the County had to file in order to stop the CRA process
2. City would contribute \$13 million up front - County would contribute \$15 million (not from utilities, Blueprint, or MSTU)
3. County will appoint two members to CRA Board
4. City and County will establish a Project Review Board
5. If there is an impasse at the Project Review Board, the matter will be referred to an Oversight Committee (Mayor, Chairman, School Superintendent, Clerk, Property Appraiser)
6. County agrees to spend \$10.7 million of sales surtax dollars for Gaines Street/Madison Street reconstruction. City will spend \$17 million on same east/west connector project
7. County will impose additional one-cent Tourist Tax to Downtown CRA Trust Fund for Performing Arts Facility
8. No payments to CRA to subsidize leases
9. CRA not to use dollars to supplement existing funds; intent of CRA is to put property on tax rolls
10. No new CRA or expansion of CRA without joint City/County approval
11. If County unilaterally terminates agreement, statutory CRA instituted at full millage increments based on 2004 start values
11. If City unilaterally terminates agreement, it must refund TIF (tax increment financing) and any borrowed County funds to the County
12. No City or County initiated Charter amendments in 2004 without joint City/County agreement
13. EMS (Emergency Medical Services) and Indigent Health Care MSTU (municipal services taxing unit) payments will not be captured in the Downtown CRA TIF

The following speakers appeared:

Brian Desloge, 2510 Miccosukee Road, Executive Board of the Chamber of Commerce, appeared and commended the Board for their efforts on this issue.

Tom Waite, 200 W. College Avenue, Hospitality Square, President and CEO of Florida Hotel and Motel Association, explained that he was speaking in his capacity as Chairman of the Tourist Development Council (TDC). He extended appreciation to the Board for allowing the TDC to do their job, but pointed out that the hotel industry was not interested in an increase in taxes. He stated that he supported the project but he does not support what he feels is a discriminatory tax. Mr. Waite asked that the Board ensure that the additional one-cent "bed tax" (tourist tax) money follow the same channel that the Board has done with the other three cents in terms of letting the TDC conduct its oversight responsibilities and allocate those funds in accordance with a budget that the Board approves each year. He would in turn make sure, as the process moves along, that the lodging and tourism industry is aware that the additional penny is in fact benefiting the tourism economy.

Commissioner Rackleff stated that he disagreed about one aspect of the conceptual agreement, which is to not subsidize any leases. He stated that it is a prudent business practise to subsidize rents

if it is done selectively. He referred to the closing of Elinor Doyle Florists and pointed out that retail establishments struggle in the downtown area because it cannot compete with office space. He suggested that a subsidy request go before the oversight committee. Commissioner Grippa responded that the proposed agreement does not prohibit from requiring developers to set aside retail or other uses or amenities.

Commissioner Thaeli publicly thanked Commissioners Grippa and Mustian and staff on their diligence and hard work in achieving the conceptual agreement. He voiced concern and stated that Item 13 was too broad. He strongly opposed giving the City Commission veto powers on the County Charter process. Commissioner Thaeli suggested that Item 13 be limited to Charter amendments which directly affect the CRA or related City/County issues. He reported that he had talked to City Commissioner Mustian this afternoon and he concurred with the change. Commissioner Grippa indicated concurrence since Commissioner Mustian agreed.

Commissioner Proctor engaged in discussion about the proposed dollars lost in the original CRA and the conceptual agreement, and eminent domain authority of the City. County Administrator Alam explained that the proposed plan requires that the eminent domain issues would go through the committee of four as opposed to going to the City Commission. Commissioner Proctor indicated that the performing arts center should be placed at the fairgrounds, rather than downtown as discussed previously.

Gary Johnson, GEM, responded to the Board's inquiries and explained that the Civic Center might be considered in the Southern Strategy area or on the border, and noted that the Planning staff would know for certain.

Commissioner Grippa clarified that the additional one-cent tourist tax would be administered and flow through the TDC.

Commissioner Proctor, for the record, complimented Commissioner Grippa on his efforts in this endeavor since he has cut the County's losses considerably (approximately \$120 million).

Commissioner Thaeli moved and was duly seconded by Commissioner Winchester to support the proposed Downtown Equal Investment Plan for the CRA with the amendments, that Commissioner Thaeli would work out language with City Commissioner Mustian regarding the City/County Charter amendment as discussed tonight and that the one-cent tourist tax flow through the TDC. The motion carried 6 – 1 (Commissioner Proctor voted in opposition).

22. Consideration and Approval of the Settlement Agreement Regarding Lake McBride Residents' Associations, Lake Carolyn Estates Homeowners' Association, Inc., and Killearn Lakes Homeowners' Association, Inc., Plaintiffs, v. Leon County, Florida, Defendant; Case Numbers 97-2689 and 98-6337

County Attorney Thiele announced that since the distribution of this agenda item material, his office received a revised settlement agreement this afternoon from the plaintiffs and his office has not had time to review and analyze it.

Commissioner Grippa advise that he has been negotiating with the plaintiff's spokesperson. This is the final lawsuit that is pending. He stated that the two lawyers have not had an opportunity to work out the legal ease and felt that there should be more specificity and additional release agreement language.

Pat Rose, President of Lake Caroline Homeowners' Association, stated that the association would work with the County on any necessary revisions and feels that issues can be resolved.

Commissioner Grippa advised that the County would not need to come up with any settlement agreement monies until after the budget meetings.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 4/0 (Commissioners Sauls, Maloy, and Proctor were out of Chambers), to adopt the conceptual settlement agreement with the attorneys working out the details. *(Later in the meeting Chairman Sauls requested that her vote reflect the affirmative.)*

23. Acceptance of the 2004 Affirmative Action/Equal Employment Opportunity Annual Report

The 2004 Equal Employment Opportunity (EEO) Annual Report, including an update of Affirmative Action goals, is submitted for approval. The report analyzes and compares the Board's workforce demographics of women and minorities to those of the local labor market.

Clarence Moore, Employee Relations Coordinator, summarized the Annual Report including comparisons with the local job market. He advised that there was no under-utilization of African/Americans or other minorities in the Board workforce. Mr. Moore remarked that there are four areas where his office has established goals for the next fiscal year: increase women administrators by 2, increase female service craft by 1, increase female technicians by 2, and increase female service maintenance by 2.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioner Grippa and Maloy out of Chambers), to approve Option 1: Accept the 2004 Affirmative Action/Equal Employment Opportunity Annual Report and identified goals.

24. Authorization to Issue a Request for Proposal (RFP) for the Financial and Performance Audit of the City of Tallahassee Utilities and Other Related Issues

This agenda item seeks Board authority to issue a Request For Proposal (RFP) for the Financial and Performance Audit of the City of Tallahassee Utilities. It also seeks authorization for the Chairman to send a letter to the Mayor requesting the portion of the existing City utility transfer, supported by unincorporated residents, be used as a credit against the County's payments for Parks and Recreation, Animal Shelter, and Fire Services. (On October 10, 2004, Commissioner Proctor conducted a Town Hall Meeting to address a series of issues raised by citizens regarding utility bills. Staff reviewed the issues and proceeded to draft a proposed scope of work for an audit of the City utilities. The agenda request includes a series of letters exchanged between Commissioner Proctor and the Mayor.)

Chairman Sauls announced that she distributed a letter she received from the Mayor this afternoon showing where they have delivered ten year's worth of audits and they are available for staff. She also talked with Commissioner Mustian and they both concurred that a City and County Commissioner be designated to investigate the utilities issue. Commissioner Winchester echoed the Chairman's comments and noted that other issues should be addressed such as surcharges.

Rikkia Reliford, 400 Putnam Drive, Apartment #932, appeared on behalf of some citizens of Tallahassee and stated that because of City utilities' rising costs and lack of action, citizens were looking forward to an independent audit by the County. She stated that citizens have been suffering under the financial burden of the City's increased utility bills which is developing into a crisis - bills have increased over 30 percent since the last year and a solution for helping citizens has not been found.

Alan Rosenzweig, Office of Management and Budget, summarized the Florida Utility Charges Comparison of Tallahassee with other Florida areas.

Commissioner Proctor advised that he has been inundated with many calls relating to excessive utility charges and he held a town meeting to find out if the community as a whole felt this was a real problem. He cited utility costs in other parts of the United States and compared them to local costs, remarking that local costs were quite excessive. Commissioner Proctor pointed out that the City does not have to be reviewed by the Public Service Commission and they do not have any oversight. He stated that there needs to be a rate rollback and he requested that the record clearly reflect that \$104.18 (City's monthly residential charge for January 2004 1,000 kWh hours) is excessive and Tallahassee should not be paying the same electric rate that Los Angeles, California pays, which is a higher income area.

Commissioner Winchester moved and was duly seconded by Commissioner Thael that the Chairman and the Mayor decide upon the appointment of a County designee and a City designee to resolve the utility issues and bring back to the Board monthly status reports for the next three months. At the end of the three months, hopefully there would be some sort of solution. If a solution is not reached, this item would be re-agendaed as noted by Commissioner Winchester.

Commissioner Grippa suggested an amendment to the motion to assign Commissioner Proctor as the County's designee, but Commissioner Proctor respectfully declined the appointment, suggesting that the City Commission may work better with another County Commissioner who was not as involved as he was. He requested that Commissioners review the agenda item and Attachment #7 and consider the implications of the surcharges to residents of the unincorporated areas and the distribution of the utility monies.

Commissioners raised various issues: Why should County citizens pay the City's surcharge when the County is providing the service (i.e. libraries, parks) and where is the surcharge money going; what recourses does the County have if it is discovered that the City's rates are too high? County Attorney Thiele responded that it depends on what the County (consultants) find to be the basis of the finding; if it is something that is inappropriate within the purview of PFC then a complaint can be file with the PFC; if it is not within their jurisdiction, then it would take stronger measures such as court.

Commissioner Grippa clarified that the motion means that the County is not going to act on the audit but will go through a process that places one Commissioner from the County and one Commissioner from the City to work towards answering the various questions that have been raised. If this fails, the consideration of a performance audit is still available. Commissioner Grippa remarked that it was important to note that four of the City Commissioners had nothing to do with the utility rate because they were recently elected. He also wanted to ensure two things: 1) That the unincorporated area is represented in the process; 2) Ensure that so much money is not transferred from City residents that things cannot be done such as burying transmission lines or deal with the aesthetic issues that need to be addressed around the County.

The motion on the floor carried 6 – 1 (Commissioner Proctor voted in opposition). Chairman Sauls stated that she would proceed to meet with the City on the issue. Commissioner Maloy offered to meet with the City if the Chairman so wishes.

25. Consideration of Mid-Year Funding Requests from the Tallahassee Urban League, FAMU Golden Key International Honour Society, and the Challenger Learning Center of Tallahassee

County Administrator Alam explained that each agency has requested a donation of approximately \$1,000. The Board noted that the Contingency Fund was frozen since it may need to be used later for legal bills. Alan Rosenzweig, Director of Office of Management and Budget, explained that part of the payment associated with the Lake McBride settlement would come from the Contingency Fund; if the Board does not want to use those funds, then Board direction on other funding alternatives would be necessary.

Chairman Sauls wanted to know about the public information initiatives money, \$70,000, and Mr. Rosenzweig explained that the Board left it in a pending state, depending on the CRA issue. The Board pointed out that the \$70,000 also involved public information about TMDL and meetings as well as the CRA. Commissioner Grippa indicated that the Lake McBride settlement did not need to be paid out of the Contingency Fund since the money would not need to be transferred until after the 2004-05 budget season.

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried 5 – 1 (Commissioner Maloy voted in opposition and Commissioner Proctor out of Chambers), to approve Option 4: Do not approve the three funding requests and that the Board address funding requests during budget workshops. Staff will prepare a letter to be sent to the agencies advising that the Board would be considering funding requests during the budget process.

26. Expirations, Vacancies and Appointments to: Airport Gateway Corridor Advisory Committee, Canopy Road Citizens Committee, Fort Braden Community Center Board of Directors, Growth and Environmental Management (GEM) Citizens' Users Group, Lake Jackson Recreation Council, Neighborhood Recognition Committee, Parks and Recreation Advisory Team, Science Advisory Committee, and Septic System Advisory Committee

Airport Gateway Corridor Advisory Committee: Commissioner Grippa appointed Terry Fregley; Commissioner Thael appointed Gerald Losey; Commissioners Maloy, Proctor, Rackleff, Sauls, and Winchester continued their appointments.

Canopy Roads Citizen Committee: Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Proctor out of Chambers) to appoint Dan Hendrickson.

Fort Braden Community Center Board of Directors: Commissioner Thael appointed Arthur Gatlin.

GEM Citizens' User Group: Commissioner Rackleff appointed John Dew. Commissioners Maloy and Proctor continued their appointments.

Lake Jackson Recreation Council: Commissioners Grippa and Proctor continued their appointments.

Neighborhood Recognition Committee: Commissioner Thaelle appointed Don Axelrad. Commissioner Maloy continued his appointment.

Parks and Recreation Advisory Team: Commissioner Maloy continued his appointment.

Science Advisory Committee: Commissioner Rackleff appointed Kevin Robertson. Commissioners Sauls and Proctor continued their appointments.

Septic System Advisory Committee: Commissioner Grippa appointed Bill Heiman; Commissioner Rackleff appointed Anthony Gaudio; Commissioner Thaelle appointed Carmen Green; Commissioner Winchester appointed Louis Swartz. Commissioners Maloy, Proctor, and Sauls continued their appointments.

The Board then entered discussion regarding Item 29, Add-on Item.

Scheduled Public Hearings, 6 p.m.

27. Continuation of Public Hearing for the Proposed Abandonment of the West 200 Feet of Whitaker Road

Pursuant to legal advertisement, a public hearing was conducted.

Carlos Martinez 806 Westway Road, appeared in support of the abandonment, and discussed the greenway and karst area. He explained that he has access through Westway Road and he does not object to having no access through Whitaker Road.

Jack Green, II, Thomasville Road, stated that his firm presently has site plan before the County within the subject area. He stated that the County may request that he extend the proposed right of way to the Whitaker area and by doing that he would impose upon an active sink area close to the proposed the right of way at the extension of Whitaker which would save an important environmental feature.

David McDevitt, GEM, explained that he has received a pre-application from Mr. Green and his consultants and it is his understanding that there are some environmental features on site that would limit the ability to extend the road and the resulting design of the property is why the cul de sac is there to address some of the environmental features on site. Mr. McDevitt remarked that Mr. Green has attempted to design a site with the environmental protection as the primary driving force. He pointed out that the abandonment is not a subject of the current site plan and not a part of the application.

Joe Brown, Public Works, explained that if it were placed entirely in conservation easement, it would block access to Mr. Martinez's property – they need to reserve at least the vehicular access across the abandoned portion so he could get to his property.

County Attorney Thiele recommended that the Board adopt the abandonment resolution and advised that if there is a feature that needs to be protected, it would occur when development permits are sought.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0 to approve Option 1: Conduct the public hearing and adopt the attached Leon County Abandonment Resolution R04- for Whitaker Road:

28. Public Hearing to Amend the Leon County Emergency Medical Transportation Services Ordinance

Pursuant to the following legal advertisement, a public hearing was conducted. The revisions to the Emergency Medical Transportation Ordinance would match current practices and applicable law.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Thael was out of Chambers), to approve Option 1: Conduct the public hearing and adopt the amended Leon County Emergency Medical Transportation Services Ordinance (Ordinance Number 04-):

The Board then entered discussion regarding the Consent Agenda.

29. Add-On – Approval of Recording of Plat of Emerald Acres, Unit IV (A Public Residential Subdivision) and Acceptance of the Performance Bonds and Agreement

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Options 1 and 2: Accept and approve for recording in the public records the plat of Emerald Acres, Unit IV; 2) Accept the Performance Bonds in the amount of \$68,200 and \$2,400 and authorize Chairman to execute the Performance Agreement completion of the infrastructure and survey monumentation.

Discussion Items by Commissioners

Commissioner Winchester

- a. Advised that Walmart (Sam's Club) had submitted a letter withdrawing their application under the County's Revesting Ordinance and there will be no need to schedule the public hearing on May 11, 2004. Commissioner Winchester moved and was duly seconded by Commissioner Grippa to withdraw the public hearing on the Hastings property scheduled for May 11, 2004 based on the letter submitted by Wal-Mart representatives. It was noted that the party was going to resubmit under the PELUC (previously existing land use conformity) process. County Attorney Thiele explained that a motion was not necessary since withdrawal involves a procedural issue.
- b. Reported that he attended a Lake Jackson/I-10 widening meeting and was very disappointed with the consultants for FDOT and their plans. Commissioner Winchester would be scheduling a meeting in a couple of weeks with Ed Prescott and the FDOT Project Manager in Chipley, Florida, to discuss his concerns. Hopefully, the project will be put back on track and mitigate the impacts of Lake Jackson.
- c. Announced that there will be a meeting on Thursday, April 15, 2004 at 12:00 Noon at Tall Timbers for a presentation by Grady County, Georgia, regarding Tired Creek and several staff and elected officials from Grady County will be attending. Commissioner Winchester stated that he would attend the meeting and report back to the Board.
- d. Requested that the County Attorney follow up on the Decatur County landfill issue, which is going through the approval process and affects the Ocholochnee River drainage basin. The Board had previously given authority to the County Attorney to do whatever was necessary to stay on top of

this. The County Attorney would continue to do so, would intervene in the project and would advise the Board if it was necessary.

- e. Asked for a status report on Lake Jackson Retrofit Project (ponds)
- f. Advised that a week ago there was a Canopy Oaks Park dedication and showed overhead pictures of the park. Commissioner Winchester publicly thanked staff for their assistance.
- g. Requested a resolution for Dog Bite Prevention Week.
- g. Demonstrated the size of a bass (6 lbs, 6-0z.) at Lake Jackson using the overhead screen and advised that he would bring back a report on Lake Jackson's water level.

Commissioner Thael

- a. Announced about the progress on the TMDL (total maximum daily load) issue with the City and that the joint City/County stormwater coordination was moving in a positive direction.

Commissioner Rackleff

- a. Requested an agenda item to adopt the designation of the Capitol Downtown Cultural District Program. Commissioner Grippa requested that the Capitol Downtown Cultural District Program brochures and information include the words "Leon County" and "Courthouse" as part of the Cultural District and that Chairman Sauls name be added to Mayor Marks name as a sponsor.
- b. Requested that staff bring back an agenda item to look into the need for a traffic light at the intersection of U. S. 90 and Edenfield Roads.
- c. Advised that there is a need for more shade trees at County parks.

Commissioner Proctor

- a. Add-On: Request to Approve Donation of District I Funds in the amount of \$200 each for 1) Beta Alpha Chapter of Delta Sigma Theta Sorority Incorporated Frenchtown Explosion, and @) Lambda Alpha Epsilon's Kids' Day at the Park.

Commissioner Proctor moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to waive the rules of procedure and allow Commissioner Proctor to bring up an Add-on item.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve donation of District I funds to the items listed above (\$200 each).

- b. Requested a resolution recognizing Leonard Wesson Elementary School Principal, Pam Hightower, as the recipient of the Leon County's Glen-Howell Distinguished Minority Teacher of the Year Award. The Resolution will be presented at the District I Community meeting on April 20, 2004.
- c. Invited citizens to the District I Community Meeting at the Leon County Fairgrounds on Tuesday, April 20, 2004 at 6:30 p.m. and advised that a fish fry would be held after the meeting. Commissioner Proctor thanked his aide, Delane Adams, for his assistance and noted that at the meeting, some spiritual leaders from District I would be recognized. The Board supported the recognition of spiritual leaders at the meeting.

- d. Advised Commissioner Grippa that he is available to represent the Board at the Michael Bowden dinner.

Commissioner Grippa

- a. Requested a resolution for Wilton Miller's daughter, the first Tallahasseean to become President of Florida Law School.
- b. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to direct the County Attorney's Office to draft an ordinance protecting residents from intentional flooding acts of neighbors (for example - flooding caused by the draining of a swimming pool). Commissioner Grippa suggested looking at the City's ordinance as an example.
- c. Requested a status report on the Easterwood/Weems purchase, without a bike trail included.
- c. Reported that the Soapbox Derby was coming to Tallahassee and requested a resolution. Commissioner Grippa suggested that when looking at the master plan and uses for the landfill regional park that staff consider a soapbox derby track and possibly a driving range for teenagers. Commissioner Thael stated that he wanted to retain the ability to provide input into the master plan for uses for the landfill regional park and supported community participation; some uses such as equestrian trials, tennis courts, and skate park have been suggested. Commissioner Rackleff cautioned the Board about suggesting permanent uses for the landfill park at this time because the surrounding neighbors and other stakeholders have been told that they will have the opportunity to meet with the County and have input in a development plan for the landfill. The Board concurred that there would be Board and citizen input in the master plan.

Chairman Sauls announced that the Soapbox Derby race will be held on June 12th, 8:30 a.m., at Blairstone Extension and Capital Circle Southeast, and the organizers are asking the County and the City to construct a racer and to have a City/County challenge. It was noted that Sheriff Harvey and Sheriff Campbell will also be building a racer and challenging each other in a race.

- e. Asked that a letter be sent from the Board to Representative Ausley, commending her for the work on Capital Cascades Park and reaching an agreement. Commissioner Grippa remarked that Representative Ausley has been involved in the Brownfield cleanup since she was elected.
- f. Requested that staff bring back an agenda item on how to purchase trucks from the State contract and include a local preference priority. Apparently several local vendors have called and pointed out that there is no local preference when buying off of State contract.
- g. Requested that the Board schedule a workshop on the Bicycle/Pedestrian Master Plan. Commissioner Grippa suggested that Jim Davis, Jennifer Carver, and Planning Department staff explain the plan at the workshop.
- h. Requested that a letter be sent to legislators, Congressman Boyd and Crenshaw, and the County's lobbyist, thanking them for attempting to get the funds for Capital Circle Northwest road improvements. It was noted that the issue had not been approved by the Senate yet. Commissioner Grippa explained that Blueprint 2000 Director Jim Davis has told the press that the dollars have been approved and they have not. He recommended that Blueprint staff not send out press notices and leave the matter to Michelle Bono for the City and Jennie Khoen for the County, Public Information Officers.

Chairman Sauls

- a. Requested retroactive approval for the three resolutions that were presented at tonight's meeting: Joey Bergsma Retinoblastma Awareness Month, Earth Day, and Carol Stokes Wade Retirement. Commissioner Thaell moved approval of the resolutions; the Board concurred. (The other resolutions had been approved previously).
- b. Commissioner Thaell moved and was duly seconded by Commissioner Maloy to approve "Public Works Week" Resolution. The Board concurred.
- c. Requested that staff bring back a status report on the transfer station, with emphasis on continuing odor problems, the need for a traffic light at Gum Road and Capital Circle Northwest, and whether trucks are traveling the assigned routes. Chairman Sauls pointed out that when the transfer station was being constructed, the neighbors were told that these issues would be addressed and the neighborhoods would be protected.
- d. Announced that she received an email from Mark O'Bryant, Tallahassee Memorial Hospital, requesting the Board's support in petitioning the Legislature to reinstate \$220 million in funding to Florida hospitals. The Board concurred.
- e. Noted that she received a request to the Board to jointly fund a reception for Sylvia Alderman, retiring as Planning Commission Counsel. Commissioners pointed out that there are no funds available.

There being no further business to come before the Board, Commissioner Grippa moved, duly seconded by Commissioner Thaell and carried unanimously, 7/0, to adjourn the meeting at 9.23 p.m.

APPROVED: _____
Jane Sauls
Chairman

Bob Inzer
Clerk of the Circuit Court